

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTIONS 25.08.700 AND 25.08.730 OF PART 7 OF CHAPTER 25.08 AND SECTION 25.16.050 OF CHAPTER 25.16 OF TITLE 25 OF THE SAN JOSE MUNICIPAL CODE TO REQUIRE ALL PROVIDERS OF TAXICAB SERVICES AT THE AIRPORT TO OBTAIN AN AIRPORT GROUND TRANSPORTATION PERMIT, TO REQUIRE THAT PARKING SHUTTLE OPERATIONS BE CONDUCTED IN A SEPARATE VEHICLE FROM ANY OTHER GROUND TRANSPORTATION SERVICES AT THE AIRPORT AND TO CLARIFY THE CIRCUMSTANCES UNDER WHICH PERSONS MAY BE AUTHORIZED TO PARK WITHOUT CHARGE IN PUBLIC PARKING FACILITIES AT THE AIRPORT

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 25.08.700 of Chapter 25.08 of Title 25 of the San José Municipal Code is hereby amended to read as follows:

**25.08.700 Operation by Ground Transportation Providers**

- A. No ~~person shall provide ground transportation services to the public at the Airport other than taxicab services, including, but not limited to, Courier Operators, limousine, van, bus, shuttle, or other ground transportation common carrier services.~~ Ground Transportation Provider shall either pick up or discharge passengers, parcels, packages or baggage at the Airport without a Ground Transportation Permit issued pursuant to Section 25.08.710.
- ~~B. No provider of taxicab services shall make passenger pickups at the Airport without an agreement or a Ground Transportation Permit issued pursuant to Section 25.08.750.~~

- BC.** Any person operating as a Ground Transportation Provider or otherwise conducting Commercial Activities on the Airport shall pay such fees and charges as are imposed or established by resolution of the City Council.
- CD.** Ground Transportation Providers shall be limited to the Commercial Activity of stopping and picking up or discharging passengers, parcels, packages or baggage at authorized locations on the Airport, as designated by traffic markings or signs, in rules and regulations issued by Director or in the permit.
- DE.** A Ground Transportation Provider shall acquire and maintain such insurance, certificates, licenses or other authorization required by law to engage in the activity of carrying passengers as a common carrier or otherwise, including without limitation any applicable state Public Utilities Commission authorization and other applicable City licenses and permits as required by other provisions of this Code.
- EF.** In addition to the terms and conditions for such permits required by this Chapter, such permits shall contain such other terms and conditions as the Director or City Council determine are necessary for the protection of the safety, convenience and welfare of the City and the general public.
- EG.** The Director may renew the term of any Ground Transportation Permit one time or more, for periods not to exceed three (3) years for any one (1) renewal.

**SECTION 2.** Section 25.08.730 of Chapter 25.08 of Title 25 of the San José Municipal Code is hereby amended to read as follows:

**25.08.730 Ground Transportation Providers - Restrictions and Requirements**

A. Each Ground Transportation Provider shall conduct Commercial Activities on the Airport in strict compliance with, and shall ensure that any other person operating on

the Airport under the authority of such Ground Transportation Provider's permit shall operate in strict compliance with:

1. the provisions of this Title; and
2. any requirements or restrictions set forth in the Ground Transportation permit; and
3. any rules and regulations issued pursuant to this Title.

B. Each Ground Transportation Provider shall also strictly comply with the following requirements and restrictions:

1. Ground Transportation Providers shall comply with all traffic signs and traffic markings.
2. No on-duty driver, representative, employee or other agent of any Ground Transportation Provider may do any of the following on the Airport:
  - a. consume alcoholic beverages; or
  - b. possess or use any weapons.
3. Ground Transportation Providers shall acquire, maintain, comply with and display any permits, licenses or other authorization required by the California Department of Motor Vehicles and/or the California Public Utilities Commission, if applicable.
4. Ground Transportation Providers shall display a valid, current ground transportation decal issued by the Airport for operation of its vehicles upon



the Airport or other identification required by Director, unless Director determines that, due to the size of the Ground Transportation Provider's fleet or for other good cause, such requirement creates an undue hardship.

5. Each Ground Transportation Provider operating a taxicab shall ensure that its taximeter is accurate and shall charge passengers only pursuant to a properly working taximeter.
6. Each driver or other representative of a Ground Transportation Provider meeting a Prearranged Passenger or pre-arranged parcel pick up shall present a valid Waybill to any Airport official on request.
7. No Ground Transportation Provider shall knowingly obtain, possess or provide to the City or Airport personnel a false or altered Waybill, coupon or voucher in connection with Commercial Activity at the Airport. Waybills shall be either in the form of the City's approved Waybill or in the form of the Ground Transportation Provider's standard Waybill for use at the Airport, as submitted to and approved by Director.
8. No Ground Transportation Provider, including any agent, employee, representative or driver of any Ground Transportation Provider, may perform any vehicle maintenance, including checking fluid levels and raising vehicle hoods on Airport property, except emergency repairs or except as expressly permitted by Director.
9. No Ground Transportation Provider shall allow any person to drive its vehicles onto the Airport, if such person has been convicted of a crime substantially related to the qualifications, functions or duties associated with a Ground Transportation Provider, or if such person has been

convicted of a felony within the previous five (5) years. Each Ground Transportation Provider shall take reasonable precautions to ensure that its drivers are not disqualified under this provision.

10. Each Ground Transportation Provider that uses the Airport roadways and infrastructure to transport passengers and their baggage between the Airport and any commercial parking facility located off Airport property shall provide such services in a separate vehicle from any other ground transportation services conducted by such Ground Transportation Provider at the Airport.

**SECTION 3.** Section 25.16.050 of Chapter 25.16 of Title 25 of the San José Municipal Code is hereby amended to read as follows:

**25.16.050 Parking without Charge**

- A. Parking without charge shall be authorized by the Director only in accordance with this Section.
- B. The Director may authorize parking without charge by:
  - 1. Issuance of parking permits for reserved Airport parking facilities; or
  - 2. Issuance of parking control cards or other electronic devices for access to Airport parking facilities; or
  - 3. Validation of parking tickets; or
  - 4. Authorizing a vehicle to exit without charge under the circumstances set forth in Subsection (E) below.

C. Parking without charge shall be authorized by the Director for the following persons:

1. Elected representatives of Santa Clara County who are members of the United States Congress, California State Assembly or State Senate, or County Board of Supervisors, if such elected representatives request to park without charge while on official governmental business.
2. Members of the City Council and the Airport Commission, City Council Appointees, City officers and employees assigned to the Airport, and such other City employees as may be authorized by the City Manager, while on official City business.
3. Officers and employees of the Federal Aviation Administration, United States Customs, Naturalization and Immigration Services, or other federal agencies while conducting official business at the Airport.
4. Management employees of Airport tenants or Airport contractors while performing work for an Airport tenant at the Airport.
54. Contractors and public utility companies while performing work at the Airport for the City or for a governmental agency or a business.
65. Volunteer staff or non-profit organizations which provide information and assistance at the Airport to members of the traveling public pursuant to agreements with the City, while on the Airport in order to provide such assistance.



- 76. Operators of commercial ground transportation vehicles with valid permits for use of Airport roadways pursuant to Chapter 25.08, but only for such limited period of time as may be specified in the resolution establishing parking fees adopted by the City Council.
  - 87. Visitors to the Airport for the purpose of conducting business with the City or attending ceremonial events or public meetings held at the Airport.
- D. The Director shall maintain appropriate records of all persons who are authorized to park without charge in accordance with this Section.
- 1. The Director shall not authorize parking without charge in any parking facility for which a fee is charged to the general public, unless such use of an Airport parking facility is for an Airport-related activity or event, or ~~has an Airport-related purpose~~unless otherwise authorized under Subsection (C) above.
  - 2. Elected local and state officials, who request to park without charge while on official governmental business pursuant to Section 25.16.050(C)(1), shall be notified by the Director that acceptance of free parking at the Airport may disqualify such representatives from taking official action on Airport-related matters in the conducting of official duties pursuant to State law. Written authorization issued for such parking shall clearly state that it is only intended for use while on official governmental business.
- E. The Director may authorize vehicles to exit the parking facilities without charge under the following circumstances:
- 1. To relieve traffic congestion in the parking facilities in order to maintain waiting times and levels of service at reasonable levels;

2. To relieve curbside and roadway congestion next to Airport terminals by authorizing vehicles to enter and exit the parking facilities to load and unload passengers and luggage;
3. To authorize a vehicle to exit one lot in order to find available parking in another Airport parking facility; or
4. When a determination is made that exiting without charge is warranted due to damage or injury to an Airport patron's person or property while on the Airport or that emergency circumstances at the Airport warrant exiting without charge.

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
CHUCK REED  
Mayor

ATTEST:

\_\_\_\_\_  
LEE PRICE, MMC  
City Clerk